IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929

WP(C).No. 33997 of 2007(V)

OP.62/2002 of Munsiff Court-II,KOZHIKODE-II
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PETITIONER:

RADHAMANI, AGED 42 YEARS,
W/O MOHANAN, THAYYIL HOUSE,
CHEVAYOOR AMSOM AND DESOM,
KOZHIKODE TALUK.

BY ADV. SRI.T.R.RAVI
SRI.P.S.MURALI

RESPONDENTS:
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1. T.SURESH, AGED 51 YEARS,
S/O VASU, KUPPOYIL VIRIPPIL HOUSE,
P.O.MEDICAL COLLEGE, KOVOOR AMSOM AND DESOM,
KOZHIKODE TALUK.

2. T.RAJEEVAN, AGED 47 YEARS,
S/O VASU, THAYYIL HOUSE,
CHEVAYOOR AMSOM AND DESOM,
P.O.MALAPPARAMBA, KOZHIKODE TALUK.

3. T.SREEJAYAN, AGED 44 YEARS,
S/O VASU, EDAPPUNATHIL MEETHAL VEEDU,
KOTTOOLI AMSOM AND DESOM, KOZHIKODE TALUK.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.Krishnan, J.

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W.P(C).No.33997 of 2007

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Dated this the 19th day of November, 2007.

JUDGMENT

This Writ Petition is preferred against the order of the Munsiff-II, Kozhikode whereby he had refused to receive document on the ground of belatedness and would further add that it may cause prejudice to the other side. I am conscious of the fact that after the amendment of the Code of Civil Procedure in 2002 certain restrictions are imposed. But at the same time in order to resolve the controversy between the parties properly, if documents are necessary certainly the court should receive them and consider them.

2. Here the question is regarding the paternity of the petitioner. She wants to rely on the document which is said to have been filed by her father before the M.A.C.T. wherein he has admitted her paternity. Admission of paternity by the father may have to a long away to go in deciding the controversy.

Though it is belated petition, it is relevant to the facts of this case. By mere reception no valid right of the other side is taken away.

3. Therefore, I set aside the order of the court below and direct the court below to allow the application for reception of the document and receive it and if there is any objection regarding the admissibility of the document, it shall be considered. The court shall reopen the case as well for this purpose.

Writ Petition is disposed of as accordingly.

M.N.Krishnan,
Judge.

ess 19/11